

## **REMARKS**

Claims 1-13, 30-39, and 48-53, have been resubmitted. Claims 30, 33, and 34, have been amended.

No new matter has been added.

### **Claim Rejections – 35 USC §101**

Claims 30-39 were rejected under 35 U.S.C. 101 for failing to positively recite another statutory class to which the claims are tied, or to positively recite subject matter that is being transformed.

Claim 30 has been amended to explicitly recite the specific and non-trivial apparatus of a display, a processor, and a storage unit. Claims 31-39 depend from amended claim 30 and include all the inventive elements of amended claim 30. Claims 33 and 34 have been further amended to mirror the language of amended claim 30. Support for these amendments can be found in para. [0035-0036].

### **Claim Rejections – 35 USC §103**

Claims 1-13, 30-39, and 48-53, were rejected as unpatentable over Fiden et al. (US 2005/0261047) in view of Travis (US 5,380,007.)

A review of priority dates for Fiden et al. indicates that US 2005/0261047 is a US non-provisional application, filed 10-MAY-2005, that claimed priority of US provisional application 60/570,035, filed 11-MAY-2004.

A similar review for the current application indicates that 10/594,167 is a US National Stage entry, filed 06-SEP-2007, of PCT application PCT/US05/08979, filed 18-MAR-2005, that claims priority of US provisional application 60/557,297, filed 29-MAR-2004.

The Applicant respectfully submits that Fiden et al., with the earliest priority date of 11-MAY-2004, cannot be properly cited as a prior art reference against the current application, having an invention date of no later than 29-MAR-2004, and requests the obviousness rejections against claims 1-13, 30-39, and 48-53, be dismissed.

Claim Amendments

The Examiner finds that claims 30-39 do not qualify as a statutory process. The Applicant respectfully disagrees with this reading of claims 30-39, and points out that, for example in claim 30, the method steps of “storing a plurality of video clips” and “playing back one of said plurality” cannot be performed within the human mind. Additionally, the nature of the invention, as clearly described in the specification, would direct a person having ordinary skill in the art to interpret “storing” to mean “to put or retain in memory unit”, and to interpret “playing back” to mean “to execute and display on a display.” Both of these interpretations are included in the common interpretations of these words.

The aforementioned facts notwithstanding, and to further clarify without adding new limitations, claim 30 has been amended to claim a gaming system explicitly comprising the specific and non-trivial apparatus of a display, a processor, and a storage unit. Claims 31-39 depend from amended claim 30 and include all the inventive elements of amended claim 30. Claims 33 and 34 have been further amended to mirror the language of amended claim 30.

The Applicant respectfully submits that the amended claims 30-39 fulfill the requirement of 35 U.S.C §101 by tying the claimed method to another statutory class (such as a particular apparatus), and so requests the current application be permitted to proceed to allowance.

## **CONCLUSION**

The listing of claims included herein is believed to be in condition for allowance.

It is believed that no fees are presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Deposit Account No. 50-4181/247079-000249USPX for any fees inadvertently omitted which may be necessary now or during the pendency of this application.

Respectfully submitted,

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